

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
(Wilkes-Barre Division)**

IN RE:

DOUGLAS P. RUSZCYK  
CYNTHIA L. RUSZCYK

Debtors

Case No. 23-00311  
(Chapter 13)

\* \* \* \* \*

NAVY  
FEDERAL CREDIT UNION

Movant

Judge Mark J. Conway  
Date: 04/18/2023  
Time: 10:00 AM

DOUGLAS P. RUSZCYK  
Debtor 1

AND

CYNTHIA L. RUSZCYK  
Debtor 2

AND

JACK N. ZAHAROPOULOS  
Chapter 13 Trustee

Respondents

\* \* \* \* \*

**COMPLAINT TO DETERMINE NON-DISCHARGEABILITY OF DEBT  
PURSUANT TO 11 U.S.C. §523(a)**

Plaintiff, Navy Federal Credit Union, (“**Navy FCU**”), by and through its undersigned  
counsel of record, hereby complains of Defendants, Douglas P. Ruszcyk and Cynthia L.  
Ruszcyk, (“Debtors”), as follows:

## **PARTIES, JURISDICTION AND VENUE**

1. Navy is a Federal Credit Union is based in Virginia and is incorporated under the laws of the United States.
2. Debtors reside in the State of Pennsylvania.
3. Jurisdiction exists in this Court in accordance with 28 U.S.C. § 727.
4. Venue is proper in this Court in accordance with 28 U.S.C. § 1409.
5. This adversary proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

## **CAUSE OF ACTION**

### **Count I -- Non Dischargeability of Debt Under 11 U.S.C. § 523 (a)(2)**

6. 11 U.S.C. §523 (a)(2)(A) states, “(a) A discharge under section 727... does not discharge an individual debtor from any debt, (2) for money, property, services, or an extension, renewal, or refinancing of credit, to the extent obtained by – (A) false pretenses, a false representation, or actual fraud.”

7. This case was filed February 13, 2023.

8. On or about November 26, 2021, Navy Federal Credit Union (hereinafter “Navy”) and the Debtors entered into a Promissory Note, Security Agreement and Disclosure (hereinafter the “Note”) for the purchase of a 2019 Chevrolet Silverado 1500 LD, VIN 2GCVKPEC8K1234700 (“the Vehicle”).

9. As a condition of the Note the Debtors were to return the title of the Vehicle to Navy.

10. The Debtors said they were going to return the title to Navy, yet Navy never received the title from the Debtors.

11. Debtor's balance on the Note as of November 30, 2021, was \$46,044.98.
12. The Debtors made a representation that Debtors could repay the Note when the Note was executed.
13. The Debtors made a representation that Debtors would return the title to Navy when the Note was executed.
14. Navy relied on these representations by entering the Note with the Debtors.
15. Said representations were made with the intention and purpose of deceiving Navy.
16. As a result of the Debtors' actions Navy suffered a potential loss of \$46,044.98.

**WHEREFORE**, Navy Federal Credit Union respectfully requests that this Court grant the following relief:

1. An order declaring the Debtors' debt to Navy Federal Credit Union non-dischargeable in the amount of Forty-Six Thousand and Forty-Four Dollars and Ninety-Eight Cents (\$46,044.98) plus interest from the date of the petition at the contract rate of 8.69% per annum.
2. Reasonable attorney's fees and court costs.
3. Such other and further relief as the Court may deem just and proper.

Respectfully Submitted  
SILVERMAN THEOLGOU, LLP

/s/ Douglas R. Blecki, Jr.  
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***Attorney for Navy Federal Credit Union***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of May 2023 that a copy of the foregoing Objection to Discharge in this proceeding was served by first class mail, postage prepaid, or via ECF on:

**VIA MAIL:**

Douglas P. Ruszcyk  
401 Marion Street  
Forest City, PA 18421

***Debtor***

**VIA MAIL:**

Cynthia L. Ruszcyk  
401 Marion Street  
Forest City, PA 18421

***Debtor***

**VIA ECF:**

Tullion DeLuca  
381 N. 9<sup>th</sup> Avenue  
Scranton, PA 18504

***Debtors' Attorney***

**VIA ECF:**

Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036

***Ch. 13 Trustee***

Respectfully Submitted  
SILVERMAN THEOLGOU, LLP

***/s/ Douglas R. Blecki, Jr.***

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***Attorney for Navy Federal Credit Union***